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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,733	01/08/2007	Michael W. Ferguson	660.0338-US-WO	4462
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Altera Law Group, LLC 220 S 6 St Suite 1700 Minneapolis, MN 55402			EXAMINER JONES, PRENNELL P	
			ART UNIT 2467	PAPER NUMBER
			MAIL DATE 03/17/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,733

Applicant(s)

FERGUSON ET AL.

Examiner

PRENELL P. JONES

Art Unit

2467

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 10-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SI/200)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the name of each component/element/device as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the

invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Objections

- 3. Claims 10-21 are objected to because of the following informalities: In claims 10, 11, 20 and 21, Applicant utilizes the language "adapted to," which is found not to limit the scope of the claim by the claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Claims 12-19 depend on claim 10, therefore, claims 12-19 are objected to as well. See MPEP 2106 (Part C) and 2111.04. In *Hoffer v. Microsoft Corp.*, 405 F.3d 1326, 1329, 74 USPQ2d 1481, 1483 (Fed. Cir. 2005).
Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 10-21 are rejected** as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

Furthermore, it is not standard U.S. practice to present the claims in this manner.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 10-12, 14-17, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaffer et al (EP 0990969).

Regarding claim 10, 11, 20 and 21, Shaffer et al (EP 0990969) discloses connection of a communications unit to a softphone of a PC (*Fig. 1, paragraph 0020, computing devices 12, 14 & 16 and associated computers/PCs and telephones 24, 26 and 28 are utilized in a communication system that implements telephony over LAN (TOL)/softphone, wherein sound cards or external speakers can be utilized as communication unit as well as the headset of the phone*), wherein that a control unit is coupled between the communications unit and the softphone, said control unit being adapted to transfer commands to the softphone (*paragraph 0020, modem interconnected between communication unit and; paragraph, 0023-0026 and 0029, the CPU of the computing devices/control unit enable controlling direction of calls when PC/computer is in a locked mode/secure position, the calls/commands are directed to TOL client*), when the PC is coupled in security position and when the PC is coupled in a normal position (*paragraph 0029 and 0031, the CPU of the computing devices/control unit enable controlling direction of calls*) .

Regarding claim 12, Shaffer et al (EP 0990969) further discloses wherein the control unit is connected to the softphone via a USB gate (*Fig. 1, paragraph 0022, control unit/computer/CPU is coupled to the TOL/softphone via a server/gate*), while the communications unit is connected by a wire to the control unit (*Fig. 1, 0020 and 0023, communication unit/headset connected by a wire to the control unit/computer*)

Regarding claim 14, Shaffer et al (EP 0990969) further discloses a connection according to claim 10, wherein that the control unit has a plurality of setting or control buttons, e.g. three (*paragraph 0028, settings controlled by sequence of keys on keyboard*).

Regarding claim 15, Shaffer et al (EP 0990969) further discloses a connection according to claim 10, wherein that the PC, when blocked for use by the security setting, is open for the reception of a limited number of commands from the control unit to the softphone (paragraph 0015, 0016 and 0017, when computer/PC is in a locked mode, the mode can be unlocked or switched to a normal mode by as to limit the number of access capabilities enabled).

Regarding claim 16 and 17, Shaffer et al (EP 0990969) further discloses a connection according to claim 10, wherein that the control unit comprises a sound card (Fig. 1, paragraph 0020, computing device/control unit includes sound cards, speakers and microphone).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (EP 0990969) in view of Nassimi et al (US PGPUB 2004/0203357).

Regarding claim 18, as indicated above, Shaffer et al includes all the limitations of claim 10; however, Shaffer is silent on utilizing a headset with its own power supply and control buttons.

In analogous art, Nassimi discloses utilizing a headset that includes a power supply (batteries) and control settings (paragraph 0045).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement utilizing a headset with its own power supply and control buttons as taught by Nassimi with the teachings of Shaffer et al for the purpose of further providing telephony security.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (EP 0990969) in view of Nassimi et al (US PGPUB 2004/0203357) as applied to claim 10 above, and further in view of Chandley (US Patent 7349,689).

Regarding claim 19, as indicated above, combined Shaffer et al and Nassimi includes all the limitations of claim 18. Although Shaffer fails to teach a headset being powered from a USB device via a control unit/computer/CPU, Nassimi further discloses Bluetooth devices, such as headsets, which are coupled to a computer/PC (paragraph 0016).

Both Shaffer and Nassimi are silent on USB gate wherein charging of headset is enabled via USB link. In a similar endeavor, Chandley discloses utilizing USB links and devices

coupled to processor/control unit/computer, wherein the processor controls enabling headset and other peripheral devices, (col. 5, line 10-33, col. 7, line 5-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement utilizing USB gate coupled to a control unit/processor to enable peripheral devices, such as headsets as taught by the combined teachings of Chandley with the combined teachings of Shaffer et al and Nassimi for the purpose of further providing telephony security.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (EP 0990969) in view of Nassimi et al (US PG PUB 2004/0203357) as applied to claim 10 above, and further in view of Rojas (US PG PUB 20090161664).

Regarding claim 13, as indicated above, combined Shaffer et al and Nassimi includes all the limitations of claim 10. Although Shaffer fails to teach a short range Bluetooth connection to a softphone and communication unit/headset, Nassimi further discloses Bluetooth devices, such as headsets, which are coupled to a computer/PC (paragraph 0016) and utilization of short range Bluetooth connection as associated with peripheral devices/headsets; and in a similar endeavor, Rojas (US PG PUB 20090161664) discloses control unit (computer/terminal device) connected wirelessly to the Internet via Bluetooth standard connection, VOIP softphone and communication unit (Fig. 1, 2 and 5, paragraph, 0006, 0007, 0008 and 0039).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a short range Bluetooth connection to a softphone and communication unit/headset as taught by the combined teachings of Rojas with the combined teachings of Shaffer et al and Nassimi for the purpose of further providing telephony security.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Pankaj Kumar can be reached on 571-272-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

/Prenell P Jones/

Examiner, Art Unit 2467

March 5, 2010

/Pankaj Kumar/

Supervisory Patent Examiner, Art Unit 2467